

IC 20-14-7

Chapter 7. Organization of Class 2 Public Libraries

IC 20-14-7-1

Application of chapter

Sec. 1. This chapter applies only to Class 2 public libraries.
As added by P.L.224-1983, SEC.1.

IC 20-14-7-1.1

Board compliance with and participation in statewide library card program; reciprocal borrowing agreement

Sec. 1.1. The library board shall comply with and participate in the statewide library card program described in IC 4-23-7.1-5.1. However, the library board may enter into a reciprocal borrowing agreement with another library board under IC 20-14-3-6 or IC 36-1-7 to provide to or receive from the other library board library service.

As added by P.L.26-1992, SEC.4. Amended by P.L.37-1993, SEC.3.

IC 20-14-7-1.2

Local library cards; fees

Sec. 1.2. (a) A library board may issue local library cards to:

- (1) residents of the library district; or
- (2) Indiana residents who are not residents of the library district;

who apply for the cards.

(b) Except as provided in subsection (c), a library board must set and charge a fee for a local library card issued under subsection (a)(2) to an Indiana resident who is not a resident of that library district. The minimum fee that the board may set under this subsection is the greater of the following:

- (1) The library district's operating fund expenditure per capita in the most recent year for which that information is available in the Indiana state library's annual "Statistics of Indiana Libraries".
- (2) Twenty-five dollars (\$25).

(c) A library board may charge a reduced fee or not charge a fee for a local library card under subsection (b) that is issued to an Indiana resident who is:

- (1) a student enrolled in a public school corporation that is located at least in part in that library district; and
- (2) not a resident of that library district.

As added by P.L.21-1998, SEC.16.

IC 20-14-7-2

Board of 1901 city or town library; members; certificates of appointment; free use; report

Sec. 2. (a) The library board of any public library established as a 1901 city or town library consists of qualified and experienced persons of at least eighteen (18) years of age who have been

residents of the municipality where the library is located for at least two (2) years immediately preceding their appointment. The members shall be appointed for two (2) year terms as follows:

- (1) The board of commissioners of the county where the library is located shall appoint one (1) member.
- (2) The fiscal body of the county where the library is located shall appoint one (1) member.
- (3) The municipal executive shall appoint one (1) member.
- (4) The municipal legislative body shall appoint one (1) member.
- (5) The school board of the school corporation where the library is located shall appoint three (3) members who may be members of the school board.

(b) If a vacancy occurs on the library board for any cause, the appointing authority shall fill the respective vacancy. The appointing authority may at any time, for cause shown, remove any member of the library board and appoint a new member to fill the vacancy occasioned by this removal.

(c) The library board members shall serve without compensation.

(d) All appointments to membership on the library board shall be evidenced by certificates of appointment signed by the appointing authority. Certificates of appointment shall be handed to or mailed to the address of the appointee. Within ten (10) days after receiving the certificates of appointment, the appointees shall take an oath of office, before the clerk of the circuit court, that the appointee will faithfully discharge the appointee's duties as a member of the library board to the best of the appointee's ability. The appointee shall file the certificate, with the oath endorsed on it, with the clerk of the circuit court of the county in which the library is located.

(e) Within five (5) days after all the members of the library board have been appointed and have taken the oath of office, the members shall meet and organize by electing one (1) of their number president, one (1) vice president, and one (1) secretary. They shall also select committees or an executive board to carry on the work of the board should they determine that committees or an executive board is necessary for this purpose.

(f) The facilities of a public library established as a 1901 city or town library are open and free for the use and benefit of all of the residents of the library district.

(g) The fiscal officer of the municipality operating a public library under this section shall prepare and file with the municipal legislative body, before January 16 each year, an itemized statement, under oath, of all the receipts and disbursements of the library board for the year ending December 31 immediately preceding the preparing and filing of the report. The report must contain an itemized statement of the sources of all receipts, of all disbursements made, and of the purpose for which each was made. This annual report may be inspected by the citizens of the municipality and township in which the library is located.

As added by P.L.224-1983, SEC.1. Amended by P.L.7-1983, SEC.32;

P.L.125-1984, SEC.8; P.L.17-1985, SEC.19; P.L.173-2003, SEC.14.

IC 20-14-7-3

1881 city or county incorporation libraries; corporate existence and powers; tax exemption; art gallery, reading rooms, and public park

Sec. 3. (a) Any public library established as an 1881 city or county incorporation library that has filed the appropriate incorporation instrument in the proper recorder's office is a corporation, and it possesses all the rights, powers, and privileges given to corporations by common law:

- (1) to sue and be sued;
- (2) to borrow money and secure the payment of the money by notes, mortgages, bonds, or deeds of trust upon the personal or real property of the public library;
- (3) to purchase, rent, lease, hold, sell, and convey real estate for the benefit of the corporation, and to erect and maintain suitable buildings to accomplish library purposes; and
- (4) to receive and accept donations, either of money or real estate, either by gift or devise, and to hold, use, mortgage, sell, and convey these donations for the benefit of the corporation, in the manner provided in the deed of gift or devise.

(b) The real and personal property of the corporation that is established as an 1881 city or county incorporation public library is exempt from taxation for state, county, and municipal purposes, and remains exempt so long as the public library is used exclusively for the general benefit of the inhabitants of the city or county in which the library is located.

(c) The corporation may establish and maintain a gallery of art and public reading rooms in connection with its library. The corporation may also maintain a public park either in connection with its library building or separate from the library building.

As added by P.L.224-1983, SEC.1.

IC 20-14-7-4

1852 subscription libraries; corporate existence and powers; organization; tax levy

Sec. 4. (a) Any public library established as an 1852 subscription library is a municipal corporation and possesses the power to:

- (1) sue and be sued; and
- (2) receive by donation any books, money, paper, or other real or personal property, to be applied to effect the purposes of the library.

(b) The shareholders of the 1852 subscription library, who are the inhabitants of the municipality who have subscribed money toward the establishment of the library, shall annually elect seven (7) directors on the first Monday in January. However, if any annual election is omitted, the directors shall remain in office until the next annual election, and until successors are chosen.

(c) The directors shall appoint one (1) of their number to be

president at their meetings, and he may vote only in case of a tie vote. A majority of the directors constitutes a quorum. If a vacancy occurs among the directors, the remaining directors shall elect a new director to fill the vacancy, and the new director shall serve until the next annual election.

(d) The 1852 subscription library is governed by bylaws adopted by the directors of the public library.

(e) The directors may adopt a common seal at their pleasure.

(f) The directors may levy a tax on the shareholders not to exceed one dollar (\$1) on each share in any one (1) year. In addition, at their annual meeting, the shareholders may increase the tax to a sum not to exceed five dollars (\$5) on each share in any one (1) year.

(g) The shareholders may appoint a treasurer and a librarian or may remove the treasurer or librarian at their pleasure.

As added by P.L.224-1983, SEC.1.

IC 20-14-7-5 Repealed

(Repealed by P.L.7-1983, SEC.45.)

IC 20-14-7-5.1

Board of 1899 township library; members; powers and duties; tax levy; free use

Sec. 5.1. (a) The library board of any library established as an 1899 township library consists of the school township trustee in the township where the library is located and two (2) residents of the township, to be appointed by the board of commissioners of the county where the library is located. Appointments are for a term of four (4) years. Members of the board serve without compensation.

(b) The library board:

- (1) shall control the purchase of books and the management of the library;
- (2) shall possess and retain custody of any books remaining in the old township library in the township where the library is located;
- (3) may receive donations, bequests, and legacies on behalf of the library; and
- (4) may receive copies of all documents of the state available for distribution from the public library commission and the state librarian.

(c) The 1899 township library is the property of the school township, and the school township trustee is responsible for the safe preservation of the township library.

(d) Two (2) or more adjacent townships may unite to maintain a township library. The library is controlled by either:

- (1) a combined library board, which consists of each of the uniting township boards appointed under subsection (a); or
- (2) the one (1) township library board appointed under subsection (a) of the uniting townships that receives funding for the operation of the uniting township library.

(e) The legislative body of any township within which there is a

library established as an 1899 township library, may levy a tax annually of not more than three and thirty-three hundredths cents (\$0.0333) on each one hundred dollars (\$100) of taxable property assessed for taxation in the township. If the legislative body does not levy the tax, a petition signed by at least the number of registered voters required under IC 3-8-6-3 to place a candidate on the ballot may be filed with the circuit court clerk, who:

(1) shall determine if an adequate number of voters have signed the petition; and

(2) if an adequate number of voters have signed the petition, shall certify the public question to the county election board under IC 3-10-9-3. The county election board shall then cause to be printed on the ballot for the township the following question in the form prescribed by IC 3-10-9-4: "Shall a township library tax be levied?"

If a majority of the votes cast on this question are in the affirmative, the township trustee shall annually levy a tax of not less than one and sixty-seven hundredths cents (\$0.0167) nor more than three and thirty-three hundredths cents (\$0.0333) on each one hundred dollars (\$100) of property taxable in the township for the establishment and support of a township library. This township tax shall be levied, assessed, collected, and paid according to the procedure outlined in IC 6-1.1.

(f) The tax levy under subsection (e) shall be discontinued when the question of discontinuing this levy has been submitted to a vote according to the procedure provided in subsection (e) and the majority of the votes cast on the question is in the negative.

(g) If a public library that is open for the use of all the residents of the township is located in the township, then the proceeds of the tax collected under subsection (e) shall be paid to that public library.

(h) In any township outside a city in which there is a library:

(1) established by private donations of the value of ten thousand dollars (\$10,000) or more, including the real estate and buildings used for the library; and

(2) used for the benefit of all the inhabitants of the township; the township trustee of the township shall annually levy and collect not more than two cents (\$0.02) on each one hundred dollars (\$100) upon the taxable property within the limits of the township. This money shall be paid to the trustees of the library, to be applied by them for the purchase of books and the payment of the maintenance costs for the library. When it becomes necessary to purchase additional ground for the extension or protection of library buildings already established by private donation, the trustee, with the consent of the county legislative body, may annually levy and collect not more than one and sixty-seven hundredths cents (\$0.0167) on each one hundred dollars (\$100) of taxable property of the township for not more than three (3) years successively, to be expended by the trustees for the purchase of property and the erection and enlargement of library buildings.

(i) The 1899 township library is free to all the inhabitants of the

township.

As added by P.L. 7-1983, SEC.33. Amended by P.L. 3-1987, SEC.525; P.L. 12-1995, SEC.124; P.L. 6-1997, SEC.183.

IC 20-14-7-6

Certain libraries established by private donation; tax levy

Sec. 6. (a) For any public library established:

- (1) by private donation;
- (2) in a city having a population of more than one hundred twenty thousand (120,000) but less than one hundred fifty thousand (150,000);
- (3) that contains at least twenty-five thousand (25,000) volumes;
- (4) that has real property valued at at least one hundred thousand dollars (\$100,000); and
- (5) that is open and free to the residents of the city;

a tax shall be levied and collected annually by the city according to IC 6-1.1.

(b) The city legislative body shall levy the tax required under subsection (a) in an amount not less than sixty-seven hundredths of one cent (\$0.0067) nor more than one and sixty-seven hundredths cents (\$0.0167) upon each one hundred dollars (\$100) of the assessed valuation of all the real and personal property in the city. When the city levies this tax, it shall be treated as if it was a public library for purposes of IC 6-1.1-18.5-13, and it may increase its levy to the same extent as a public library under that section.

(c) The tax shall be paid to the trustees of the library, and the trustees shall expend the tax for the support, operation, and maintenance of the library. The trustees shall keep the tax separate from all other funds. The trustees shall record the amount of taxes received, to whom and when paid out, and for what purpose in a book kept by them. The trustees shall make an annual report of these matters to the legislative body of the city.

As added by P.L. 224-1983, SEC.1. Amended by P.L. 54-1983, SEC.9; P.L. 12-1992, SEC.116; P.L. 6-1997, SEC.184.